19 4.

Department of Lands & E.

OFFICE Bd of Wks

STATION Maoud

Mis No. 2844 J.B.B

A) 3769

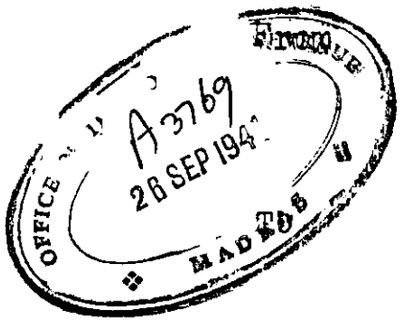
Dated 17 Nov 41

Pages in the file

SUBJECT.)

Rev. Reserve/ S. Kavana
Pt III. Taluk Pattiyar Village
SIN 136.2. Sale for renewal
of Rev Concession Con
ditions.

Ref.A3-2195-41. South Kanara Collector's Office,
Mangalore, dated 22 - 9 - 1941.



M. V. Subrahmanyan Esq., I.C.S.,
Collector of South Kanara.

The Secretary to the Board,
Land Revenue & Irrigation,
Madras.

Sir,

Revenue Recovery - Puttur Taluk -Guthigar village - S.No. 136/2 - belonging to the Guthigar Co-operative Society -sale for arrears of land revenue due from Subraya Gowda -suit notice.

****

Sri K. Subba Rao, President of the Guthigar Co-operative Society has filed a suit notice threatening to sue the Government if the sale of S.No.136/2 of Guthigar village, ~~Puttigar~~ Puttur Taluk confirmed by the Revenue Divisional Officer, Puttur in his II N.Ref. 7147-40-D dated 28-10-1940 is not set aside. For arrears of land revenue of Rs. 44-14-0 for holding Nos. 2, 18, 53 and 54 of Guthigar village relating to the March kist of Fasli 1349 due from one Bagila Subraya Gowda, S.Nos. 136/2, 126/3 and 126/1, were brought to sale. On the appointed day viz.25-5-1940, the Revenue Inspector adjourned the sale to 10-6-1940 for want of bidders. The sale was reposted to 28-8-1940 on which day the plots were sold for Rs. 85/-. The sale was confirmed by the Revenue Divisional Officer in the name of the highest bidder Chennappa Gowda. Sri Subba Rao, the President of the Society states that the Society had purchased S.No. 136/2 one of the plots sold in 1934 and that the registry of the entire holding including S.No. 136/2 was transferred to the name of the Society in K.R. 398/49 on the file of the Tahsildar, Puttur.

p 59 (D)

p 28 (D)

p 43 44 (D)

p 59 (D)

(V)

2. The points raised by him are that the sale was held without the knowledge of the Society and in spite of the fact that the Society had paid assessment on S.No. 136/2, the plot in question, Holding No. 2 of Guthigar including S.No. 136/2 stood registered in the name of the above Subraya Gowda. On 20-2-1940, the notice-giver as the President of the Guthigar Co-operative Society applied for the transfer of S.Nos. 135/3, 137/12, 141/3,5,6,9 and 166/2A and 2C included in holding No.2 of Guthigar on the ground that the plots were purchased by the Society at court sale and were also taken delivery of by it. By mistake, the registry of the entire holding No.2 of Guthigar including S.No. 136/2 was transferred in the name of the notice-giver. This fact was overlooked while issuing Nos. 5 and 7 notices in the course of the sale proceedings with the result that none of the notices was served on Pulladka Subba Rao. The Tahsildar states that the net assessment payable by the Society for fasli 1349 was Rs .10-10-0 but that the President had paid only a sum of Rs. 10-0-0 and that this amount does not include the assessment on S.No. 136/2. The assessment on S.No.136/2 is Rs. 5-8-0.

3. However a persual of the connected records disclose the following illegalities.

(i) No.4 notice was served on Bagila Subraya Gowda. At the time of the issue of Nos.5 and 7 notices, the holding had been transferred to the name of the notice-giver. Though the registry of the plot itself in the name of Subba Rao is not correct he was technically registered holder and the non-service of a fresh No.4 notice on him would be an illegality.

(ii) The English copy of the sale notice has not been properly filled up viz., the name of the village where the sale had to be held was not entered in it. This is an illegality under item 15 B.P.62 Press dated 26-5-56.

(iii) In one of the plots sold viz., S.No.126/3, there are buildings valued at Rs. 50/- belonging to the defaulter. No description of the buildings was mentioned in the notice of sale (No.7) issued as required by section 36 of the Revenue Recovery Act.

4. The sale has to be set aside on account of the above illegalities. As the three months' time prescribed in B.S.O. 41-12 has elapsed, the sale having been confirmed on 28-10-1940, I request sanction for setting aside the sale.

The records of S.R. 16/1350 and R.R. 398/49 of the Taluk office, Puttur are enclosed for reference and return.

For Collector.

23.9.41

DRAFT FOR APPROVAL, J.B-B

	Date.	Initials.
When received for fair copying ..	14/10/41	ekk
When copied ..	20/10	
When examined..		
When signed ..		
When despatched.		

SUBJECT:— Revenue Recovery (S. Kanara) Puttur Taluk. Guttigar Village - S.No 136.2. Sale for arrears of revenue Cancellation. Con Authorised

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO*:-

No. 4537/69/41 From the _____, No. _____, dated _____ 19____ Ps 1-ek

" _____ " _____ " _____ " _____ 19____

" _____ " _____ " _____ " _____ 19____

~~Paper~~ Ms. Resolution ~~Appl.~~ No. 2844/14/10/41 dated _____ 19____

19/10 (41/7 x 41)

The Collector is authorised to cancel the Sale of S. No 136.2 of Guttigar Village Puttur Taluk, held on 28.8.40 and confirmed by the Revenue Divisional Officer, Puttur in his R. Ref 7147-40 D of 28.10.40.

p 52 of (D)

p 59 of (D)

2 The Collector's attention is invited to the instructions in BP 772 Mis of 18.3.40 and he is requested

(T)

to issue a notice to
the auction purchaser
before the sale is
set aside

EHP
16/10/1641
16X41

16/1x

To
The Court of Chancery
with recommendation of
the Master [illegible] Esq.
[illegible]
[illegible]

Note - file

Short Title - Revenue Recovery Act -(S. kanara)

1g ASLR) Puttur taluk - Guttigar village - Sale for arrears of revenue - ~~Bought in by Government~~ - S.No 136-2

~~Reassignment~~ Cancellation -B.S.O.~~45~~ 41-1

Board's Cur.No. 1941

Petition from dated

Collector's letter No. dated

1.	S.No.	Description	Extent Ac. C.	Assessment Rs. A. P.
352 (1)	136.2 ✓	wet ✓	1.29 ✓	8.8.0

2. Arrears for which sold	Fasli.	Amount
(2)	1349 ✓	16.12-0 ✓
		28-2-0 ✓
		44-14-0

3. Date of sale. 28.8.40 ✓

4. No. & date of R.D.O's order confirming the sale. p59 (1) M.Ref 7147-40. D of 29.10.40

5. ~~Re-assignment~~ Cancellation

Authority for the Board to interfere 379 M69 B.S.O. 41.12.

~~6. Points urged by the petitioner~~

6. Remarks of the Collector.

For the reasons stated by him in paragraph 3 of his letter, the Collector requests permission to set aside the Sale. 2-3 of

8. Remarks by office.

The Board may N
authorise the Collector to set
aside the sale on account of irregularities
in sale.

His attention may
however be invited to the
said instructions issued in B. P
772 Pus 07 / 18. 3. 40 and he
may be requested to issue a Q
notice to the auction purchaser
before the sale is declared

EAP
3/10 KG
6 X 41
4

N & Q may be approved
for orders

13. X. 41

14/XI

S.CY.
16 OCT 1941

To AS (RR)
Draft Issued
16. X

EAP
16/10 KG
16 X 41
4

B.P.No. 28447
Dated. 17 x 41

Single Member
Two Members
~~Full Board~~

Assistant Secretary

I-A.	A.D.S. & L.R.	L.R. Irrign.	Sep.Rev.	J.S. Secy.	M 3	M 2	M 1

1. Open file seen by
2. Final draft seen by ✓
3. Now circulated to ✓
4. Initials

Passed for record. 16/4/41

Secretary

Joint Secretary.

A.S.(L.R.) 28447

~~A.S.(Irrign).~~

A.S.(Sep.Reve)

A.D.S.& L.R.

I.A

Note:- Entries not required to be scored out.